

District IV Advisory Board
Meeting Minutes
October 5, 2005
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The **District IV Advisory Board Meeting** was held at 7:00 p.m. at the Lionel Alford Branch Library. In attendance was seven (7) District Advisory Board members, seven (7) staff and approximately nine (9) citizens with six (6) signing in.

Members Present

Doug Leeper
Tom Englemann
Mary Cockburn
Marjorie Griffith
Peggy Bennett
Gerald Marsh
Jerry McGinty

Staff Present

Officer Sharp, Police
Officer Hertz, Police
Jay Hinkle, Law Department
Kurt Shroeder, OCI
Steve King, Public Works
Bill Longnecker, Planning
Brandon Kauffman, City Manager's Office

Members Absent

Jim Benton
Ed Koon
Joshua Blick
Michael Gisick
Council Member Gray

Guests

Listed on Page 5

Order of Business

Call to Order

The meeting was called to order at 7:05 p.m.

Jim Benton (Doug Leeper) moved to approve the agenda for the October 5, 2005 meeting. The motion passed 7-0.

Michael Gisick (Benton) moved to approve the minutes for the September 7, 2005 meeting. The motion passed 7-0.

Public Agenda

The Public Agenda allows members of the public to present matters to the District Advisory Board. Each presentation is limited to a period of five minutes unless extended by the Board.

1. Scheduled Items

No items were presented to the District Advisory Board.

2. Off-Agenda Items

No items were presented to the District Advisory Board.

Staff Presentations

3. Community Police Officers

Officer Sharp, Community Police Officer for 28 beat stated that there has recently been an increase in break-ins. He cautioned people to check to make sure that their house is secure and valuables are out of sight.

Officer Wertz, Community Police Officer for 16 beat stated that there has been a number of problems recently with some shopping centers in 16 beat. Teenagers have vandalized the windows with a sling shot style weapon, the windows they have broke are worth thousands of dollars. Police are working with school resource officers to see if there are any rumors floating around the schools of who would have done this.

Wertz also cautioned people to close their garage doors if you have been working out in the yard. This time of year thefts tend to rise and people will steal lawn mowers, weed eaters, etc. He also warned that individuals should secure their properties and especially close garage doors that have direct access to houses.

Wertz stated that there have been some suspicious characters around 31st and Hoover and asked that people in the area keep an eye out for individuals lurking in the area.

Gerald Marsh asked about sounds systems and if Officer Wertz had a number on the amount of tickets that have been issued. **Officer Wertz** stated that he did not have a number at the moment but could follow up on that and provide the information.

Action: Receive and File.

4. Sexually Oriented Businesses

Kurt Shroeder, Office of Central Inspection, stated that sexually oriented business are characterized as adult book stores, video stores, and adult hotels. In previous years the City of Wichita has not controlled them through the zoning codes. Approximately 5 months ago the City Council of Wichita passed a moratorium on sexually oriented businesses and asked that staff review the zoning codes and present the information to the Council in work sessions. The Council decided to gather information from the District Advisory Board's in the process to gather citizen input. This item is planned to go before the Planning Commission on October 20th and will also be presented to the City Council on November 15, 2005.

The proposed zoning code changes have defined and added supplementary definitions to limit the type and places of these types of businesses. These areas under the proposed changes will be limited to general commercial, limited industrial, and high industrial.

While most businesses are essentially “grand fathered in,” in this case it has been recommended that these businesses be given a period of time to move. Approximately half of the current businesses will not confirm to new standards. Legally some type of land must be made available for these stores to locate at or to relocate.

Cockburn asked if the City was suggesting that these businesses will be forced to move. **Jay Hinkel, Law Department**, stated that these businesses would have to move under current recommendations. He also stated that most of these are tenants at their current places and that the challenge of the grandfather clause would be the basis for any legal challenges.

Hinkel stated that another issue that will arise is that of compensation. Compensation has typically not been provided to businesses that are in an area that after being rezoned their business does not comply anymore. The courts have upheld that compensation does not have to be rewarded to the business. The City Council is seeking feedback on two issues:

1. Should compensation occur; and
2. The length of time that should be given for businesses to move

Cockburn asked if the City can overrule the County on any zoning issues. **Hinkel** stated that the city does not have any authority over areas that are unincorporated. The county has in its zoning codes that sexually oriented businesses cannot be located within 1,000 feet of certain structures, however this has not been upheld. The City proposal is scaled down compared to the County because of population density. If it was recommended that these businesses locate 1,000 feet away then that would not leave enough land available for them to relocate.

Doug Leeper asked which district would receive more of the businesses. **Hinkel** stated that the largest concentration of available land would be in District VI, however there are areas in every district where these businesses could locate.

Leeper asked why they are not limited to specific areas and also why not make them go through the public zoning process. Schroeder stated that on the second question, if these businesses went through the public zoning process then they would be denied their due rights because their cases would always be denied. This is protected and upheld by the Supreme Court that they should have the right to locate somewhere.

Hinkle stated that there are advantages and disadvantages to specific locations such as having a red light district. Law enforcement issues that affect the businesses are in some cities contacted easier to handle because of the proximity of the businesses to one another. Having to strict of zoning codes may also create concentration; by trying to disperse them you may actually create concentration by limiting the spaces available.

Marsh stated that he did not believe that one-year would be adequate time for these businesses to move. He felt that 18 months would be more appropriate to give the businesses due time to relocate.

Leeper asked if there were any considerations given to major intersections. **Schroeder** stated that they did discuss barring them from gateways into the city, but after legal review it was not pursued any further.

Marsh stated that these businesses should be given the appropriate time to move.

Action: Receive and File.

5. Petition to construct a Water Distribution System

Steve King, Public Works, stated that the signatures on the petition represent 2 of 4 (50%) of resident owners and 565 of the improvement district area. The project will construct a water distribution system for an area that is currently served by private wells.

The estimated costs of the project is \$35,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$.21 per square foot of ownership.

Barb Peterson, area resident, stated that the water quality they are currently on is smelly and has pieces of stuff floating in it most of the time. She stated that she is supportive of the petition and that this would be great for the area homeowners.

Action: McGinty (Cockburn) recommended approval of the project. The motion passed 7-0.

6. CON2005-40

Bill Longnecker, Planning Department, stated that the applicant requests a Conditional Use to allow ancillary parking on the south half of Lot 3, which is zoned "SF" Single Family Residential. The 140 foot by 70 foot subject site is currently not developed. The applicant's site plan shows 23 parking spaces, including tow handicap spaces, and a 24-foot drive, which is per City standards.

Leeper stated that the lighting behind that building is very dark and expressed his concern about graffiti to the building and trash in the area. **Longnecker** stated that the applicant has proposed to use lighting that is projected off of the building.

Marsh asked if the drainage capacity in the area could handle the addition of the parking lot. **Longnecker** stated that the situation would be addressed. **Marsh** stated that this area is primarily dirt and grass and was wondering if this addition would increase the taxable value. **Longnecker** stated that it would.

Jerry Paterson, property owner east of the property, stated that he was concerned with drainage, value of his property and trash from the lot. **Gregory Meitner**, stated that the property would have a 6 foot fence on the North and East sides. This will also be in conformance with the landscaping site plan.

Action: McGinty (Cockburn) recommended approval of the Conditional Use. The motion passed 7-0.

Board Agenda

Brandon Kauffman stated that the District IV Advisory Board will move to Lionel Alford Library Branch starting in November.

Leeper (Cockburn) motioned to adjourn. The meeting adjourned at 8:30 pm.

Respectfully Submitted,

**Brandon Kauffman
District IV Neighborhood Assistant**

Guests

Paul Ward
Jerry Peterson
Christopher Winkler
Greg Meitner
Barbara Peterson
Paul Peterson

Address

2857 S Walnut
1027 W 30
810 W Douglas
916 Redarn
619 W 55th st. S.